

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2503 OF 2014

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ORDER:

This Criminal Revision Case is filed against the Judgment, dated 08.07.2013, passed in Crl.A. No.29 of 2013 passed by the Judge, Family Court-cum-Additional District and Sessions Judge, Mahabubnagar, whereby the learned Sessions Judge confirmed the conviction and sentence passed by the Assistant Sessions Judge, Mahabubnagar in S.C. No.387 of 2010 vide judgment, dated 12.12.2011.

The brief facts of the case are that the petitioner-accused No.2 along with others armed with knives, iron rods etc., entered into Gati Petrol Filling Station, Shadnagar, broke open the doors, beat the workers and broke open the almarah and committed theft of Rs.500/- and threatened the Supervisor (PW-1) and snatched his gold ring worth Rs.3,000/- and cash of Rs.6,000/- from the office table. On the report given by PW.1, Crime No.230 of 2005 was registered and investigated into. The Judicial Magistrate of First Class, Shadnagar took cognizance of the case and committed the case to the Session Court and the same was numbered as S.C. No.387 of 2010. After elaborate consideration of the evidence and basing on the material available on record, the learned Assistant Sessions Judge, found the petitioner – A-2 guilty of the offence under Section 395 IPC and sentenced him to undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.500/- in default to suffer simple imprisonment for one month. Against the said conviction order, the petitioner preferred Crl.A. No.29 of 2013 on the file of the Family Court-cum-Additional District and Sessions Judge, Mahabubnagar.

The Additional learned District and Sessions Judge dismissed the appeal by confirming the conviction and sentence passed by the Assistant Sessions Judge, Mahabubnagar. Aggrieved over the same, the present revision is filed.

Heard and perused the material available on record.

A perusal of the record discloses that the petitioner – A-2 is in jail since

01.11.2009. He has already suffered the sentence of 5 years. Therefore, this Court is of the view that the petitioner can be released from the prison.

Accordingly, the Criminal Revision Case is disposed of and the conviction recorded against the petitioner-accused No.2 by the Assistant Sessions Judge, Mahabubnagar, in S.C.No.387 of 2010 for the offence under section 397 IPC vide judgment, dated 12.12.2011, as confirmed by the Family Court-cum-Additional District and Sessions Judge, Mahabubnagar, in Crl.A.No.29 of 2013 vide judgment, dated 08.07.2013, is hereby confirmed. Since the petitioner – A-2 suffered the sentence of more than five (5) years, he shall be released from the prison if he is not required in any other case.

Consequently, Miscellaneous Petitions pending, if any, stand dismissed.

RAJA ELANGO, J

June 04, 2015.

KTL